



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,305	08/10/2001	Richard Bryan Sagar	US018103	4964

7590

06/28/2006

Corporate Patent Counsel
Philips Electronics North America Corporation
580 White Plains Road
Tarrytown, NY 10591

EXAMINER

JONES III, CLYDE H

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al. (US 6,588,015 B1).

Regarding claims 1, 12, and 13, Eyer teaches a method of providing a service to a user, the method comprising:

upon payment of a first fee by the user (col. 15, lines 63-65; col. 16, lines 23-25; col. 17, lines 13-15), transmitting a content information (audio and/or video multimedia programming that is not a commercial/advertisement) comprising a commercial information to a device 200 (fig. 2) of the user (col. 1, line 66-col.2, line 6; col. 2, lines 36-39), the device being configured to enable to skip any portion of the content information (col. 15, lines 17-18; col. 7, line 50- col. 8, line 12; col. 16, lines 41-42); and,

upon payment of an additional fee by the user (user pays for commercial free service, e.g., service class 1 or 2), enabling the device of the user to automatically skip

Art Unit: 2623

the commercial information when playing out the content information (col. 18, line 54col. 19, line 45; Table 1; col. 16, lines 41-42).

Regarding claim 2, Eyer teaches enabling the device to remove (not present to the user, i.e., skip) the commercial information when recording (buffering) the content information (fig. 3, step 310, 340, 360, 370).

Regarding claims 3 and 4, Eyer teaches transmitting a signal (1045, 1065 – fig. 10) representative of a temporal occurrence of the commercial information (col. 6, lines 1-3, lines 30-32); and,

enabling the device to interrupt a recording of the content information during the commercial information based on the signal (col. 19, line 20; col. 19, lines 27-29).

Regarding claim 5, Eyer teaches the device is enabled to automatically jump Over (skip) the commercial information when playing out a recorded version of the content information (col. 16, lines 30-32; Table 1, service class 1 and 2; in which “commercial free” reads on auto jumping/skipping over any commercial live or replayed).

Regarding claim 6, Eyer teaches enabling the user to inactivate the automatic skipping of the commercial information (col. 16, lines 26-27; col. 16, lines 41-45; col. 19, lines 18-20).

Regarding claim 7, Eyer teaches charging the additional fee for each automatic skipping (metered skipping) of the commercial information (col. 17, lines 47-49).

Regarding claims 8-11, Eyer teaches broadcasting/streaming (transmitting the multimedia programming data) the content information (col. 5, lines 46-50; col. 2, lines 12-15; col. 2, line 66-col. 3, line 2; col. 5, line 14).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

CJ



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800